

REMARKS

Claims 1 to 15 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 5 to 8 and 13 were objected to as depending from a rejected claim, but were indicated as containing allowable subject matter. While the rejection of the base claim may not be agreed with, to facilitate matters, claims 5, 8, and 13 have been rewritten as independent claims by including the features of claim 1. Accordingly, claims 5, 8, and 13 are allowable, as are claims 6 and 7, which depend from claim 5. It is therefore respectfully requested that the objections be withdrawn.

Claims 1 to 4, 9 to 12, 14, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Satoh et al., U.S. Patent No. 6,489,887, in view of Patchell, U.S. Patent App. Pub. No. 2002/0126002. While the rejections of paragraph six (6) of the Office Action does not mention the Patchell reference, Applicants understand the rejections to have been made over the proposed combination of the Satoh and Patchell references, as both references are relied on in explaining the rejections.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claims 1 and 14 are amended. Claim 1, as presented, is to a “method for a lateral guidance of a vehicle, the vehicle including a lane detection device, the lane detection device including a warning device for alerting a driver of the vehicle when straying from a traffic lane,” including the feature of “when driving on roads that are not suitable for lateral guidance, automatically

turning off the warning device”, and the feature of “turning the warning device back on automatically when roads are reached once more that are suitable for lateral guidance.”

Neither the Satoh reference or the Patchell reference disclose or even suggest, when driving on roads that are not suitable for lateral guidance, **automatically turning off the warning device**. The references also do not disclose or even suggest the feature of **turning the warning device back on automatically** when roads are reached once more that are suitable for lateral guidance.

Accordingly, claim 1, as presented, is allowable. Claims 2 to 4 and 9 to 12 depend from claim 1, and are therefore allowable for at least the same reasons.

Claim 14, as presented, is to a “device for a lateral guidance of a vehicle, the vehicle including an arrangement for providing lateral guidance which includes a warning device to alert a driver of the vehicle when straying from a traffic lane,” including the feature of “a switching arrangement for automatically turning the warning device off when driving on roads that are unsuitable for lateral guidance, and for automatically turning the warning device on again when roads that are suitable for lateral guidance are reached once again.”

As explained above, the Satoh and Patchell references do not disclose or even suggest the feature of **automatically turning the warning device off** when driving on roads that are unsuitable for lateral guidance, or the feature of **automatically turning the warning device on** again when roads that are suitable for lateral guidance are reached once again. Therefore, the references cannot disclose or even suggest a switching arrangement for automatically turning the warning device off when driving on roads that are unsuitable for lateral guidance, and for automatically turning the warning device on again when roads that are suitable for lateral guidance are reached once again.

Accordingly, claim 14, as presented, is allowable. Claim 15 depends from claim 14, and is therefore allowable for at least the same reasons.

In sum, claims 1 to 15 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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